

MINUTES

ALCOHOL AND TOBACCO COMMISSION

MAY 20, 2003

CALL TO ORDER/NOTING OF QUORUM

Chairperson DePrez called the meeting to order and noted the quorum and the attendance. Present were Vice Chairperson Glass and Commissioner Marks. Also in attendance were Industry Liaison Okey, Superintendent Davis and Executive Secretary Webb.

Ronna Chappell of ILBA, John Barnett of Kroger, Jeff McKean, Jim Calvert of Olinger, Jerimi Ullom of Barnes & Thornburg and Debbie Scott of IABR were present as observers.

COMMUNICATIONS FROM THE FLOOR

No Communications From the Floor.

DISPOSITION OF MINUTES

Commissioner Marks moved to approve the minutes that were submitted for the May 5, 2003 meeting. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

HEARING JUDGE'S RECOMMENDATIONS

Vice Chairperson Glass moved to approve the PAD forms that were submitted for the May 20, 2003 meeting, pending approval by the Chairperson. Motion seconded by Commissioner Marks and it was unanimously approved.

CONSIDERATION OF APPLICATIONS

I incorporate by reference these lists of permits for renewal, which have been recommended by local boards and reviewed by said staff with the authority of the Commission, and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

I incorporate by reference these lists of permit applications for a new permit or application for changes in location or ownership or both of existing permits, which have been recommended by local boards and reviewed by at least two Commissioners and hereby move for approval of same and inclusion of these lists as part of the minutes by exhibit. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

I incorporate by reference these lists of permits to be placed in escrow for not more than one year, which have been reviewed and recommended by a Commissioner as appropriate for first or second year escrow and hereby move for approval of same and the inclusion of these lists as part of the minutes by exhibit. Motion seconded by Commissioner Marks and it was unanimously approved.

Four hundred forty-six (446) renewals approved, forty-four (44) new and/or transfer permits approved, twenty-one (21) permits conditionally approved, six (6) permits approved for first year escrow, and six (6) permit approved for second year escrow.

RENEWAL LETTERS AND WAIVER OF FEES

Commissioner Marks moved to approve the renewal letters and the waiver of fees for letters of extension for the preceding weeks. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPLICATIONS FOR DISCUSSION

DL11-20261 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to approve. The member who recommended denial stated there is no need for these services and it would adversely affect the package stores.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL11-20260 CASEY'S ENTERPRISES, LLC - Vice Chairperson Glass noted this is a new type 115 application with the local board voting three (3) to one (1) to approve. The member who recommended denial stated there is no need for these services and it would adversely affect the package stores.

Vice Chairperson Glass moved to uphold the local board's recommendation to approve the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-20287 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there is no desire for these services in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL50-20313 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there is no desire for these services in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL46-20235 CASEY'S ENTERPRISES, LLC – Vice Chairperson Glass noted this is a new type 115 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there is no desire for these services in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

RR50-00945 T TABOLT, INC. – Vice Chairperson Glass noted this is a new type 220 application with the local board voting four (4) to zero (0) to disapprove. The local board stated there is no desire for these services in the community.

Vice Chairperson Glass moved to uphold the local board's recommendation to deny the new permit. Motion seconded by Commissioner Marks and it was unanimously approved.

DL41-19811 THORNTON OIL CORPORATION – Vice Chairperson Glass noted this is a type 115 renewal application with the local board voting two (2) to one (1) to disapprove. Vice Chairperson Glass stated that the local board gave no legal reason for denial of this renewal and that their recommendation was arbitrary and capricious. No remonstrators were present at the hearing.

Vice Chairperson Glass moved to reverse the local board and approve the renewal. Motion seconded by Commissioner Marks and it was unanimously approved.

INACTIVE FILES

Commissioner Marks moved to make six (6) permits inactive. Six (6) permits were not subject to auction. Motion seconded by Vice Chairperson Glass and it was unanimously approved.

APPEALS FROM LOCAL BOARD RECOMMENDATIONS

No Appeals from Local Board Recommendations

OLD BUSINESS

No Old Business.

NEW BUSINESS

ANDRETTI GREEN RACING PRE-INDIANAPOLIS 500 MILE RACE PARTY – Andretti Green Racing would like to serve donated alcoholic beverages at their pre-Indianapolis 500 party.

EASTER SEALS HOLE-IN-ONE GOLF BENEFIT – Easter Seals Arc would like to serve and sell donated alcoholic beverages at their Hole-In-One golf benefit.

CHILDREN’S BUREAU PRE-EVENT FOR INDIANAPOLIS ART FESTIVAL – Children’s Bureau of Indianapolis would like to serve donated alcoholic beverages at their pre-event for the Indianapolis Art Festival.

JUNIOR ACHIEVEMENT 5TH ANNUAL “A NIGHT FOR THE CITY” – Junior Achievement of Central Indiana would like to serve donated alcoholic beverages at their annual “A Night for the City” event.

CLEAR LAKE YACHT CLUB WINE TASTING – Clear Lake Yacht Club would like to conduct a wine tasting with donated wine.

HASTEN HEBREW ACADEMY HAI LIFE AWARDS BANQUET – Hasten Hebrew Academy would like to serve donated alcoholic beverages at their Hai Life Awards banquet.

ST. ELIZABETH’S ELIZABELLA BALL – St. Elizabeth’s would like to serve donated alcoholic beverages at their Elizabella Ball.

BIG BROTHERS BIG SISTERS SILENT AUCTION – Big Brothers Big Sisters would like to auction wine at their silent auction.

THERAPLAY INDY DRESSAGE CLASSIC – TherAplay would like to auction donated wine at their Indy Dressage Classic.

IRT CELEBRITY RADIO SHOW – IRT would like to serve donated alcoholic beverages at their Celebrity Radio Show.

VIG BOWL SPECIAL OLYMPICS – Vigo Bowl would like to use its lounge as the Special Olympics tournament check in and lunch area. Their lounge is closed for selling alcoholic beverages during summer months.

Vice Chairperson Glass moved to approve these requests. Chairperson DePrez seconded the motion and Commissioner Marks voted to approve all requests, however, she abstained from the voting on the Hasten Hebrew Academy request. Therefore, all requests were approved.

POLICY DETERMINATIONS

No Policy Determinations.

UNDER ADVISEMENT

Nothing under advisement.

ANNOUNCEMENTS

NEW LEGISLATION – Chairperson DePrez stated we are working on getting the tobacco certificate ready. The cost is \$50.00. We are also working on the transition of Fair Trade (tobacco) from the Department of Revenue to our Agency.

Employee permit fees will be \$30.00 for two years.

Businesses that would like to cater will have to purchase a catering permit for \$150.00.

We will be updating our website as quickly as possible concerning these changes.

ADJOURNMENT

Vice Chairperson Glass moved to adjourn the meeting. Motion seconded by Commissioner Marks and it was unanimously approved.

Approved this _____ day of _____, 2003.

MARY DEPREZ, CHAIRPERSON

BARBARA L. GLASS, VICE CHAIRPERSON

JAMES DAVIS, COMMISSIONER

GIGI M. MARKS, COMMISSIONER